



DEPARTMENT OF VETERANS AFFAIRS

**Regional Office
One Veterans Plaza
701 Clay Avenue
Waco, Texas 76799**

In Reply Refer To: 349/262

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Dear Sirs:

Thank you for your interest in application to the Department of Veterans Affairs (VA) builder program.

Please complete the attached Builder Application and Certifications on or attached to your letterhead, and VA Form 26-6791 and 26-421. Your approval notification will be returned to you within one week of receipt of this information in our office. This notification will advise you of your builder identification number and provide information on the VA program.

If you have any questions, please contact our Construction and Valuation Section at (254) 299-9634. You may return the application to us by facsimile at (254) 299-9663.

Sincerely yours,

Diane Rogers

DIANE ROGERS

Chief, Construction and Valuation Section

Enclosure

262/228 h/cv/bldapplication DR:dr

Figure 1: Builder Information and Certifications

[on builder's letterhead]

Builder Information and Certifications VA Loan Guaranty Program

1. This is to certify that this company:
 - a) Will not use any marketing practices or sales contracts which include features considered by VA to be unfair or prejudicial to veteran-purchasers per Section 9.08 of the VA Lenders Handbook. I understand that the closing of the loan denotes that the builder has determined that the contract is acceptable to VA.
 - b) Will construct every property which is to become the security for a VA-guaranteed loan to substantially conform to applicable building codes, applicable VA requirements and the standards of quality as measured by acceptable trade practices.
2. In cases processed by VA as "proposed or under construction", I understand that all construction must equal or exceed that shown or described in the construction exhibits used by VA to appraise the property and that, in any conflict between those construction exhibits and the applicable VA minimum property requirements, the latter will govern; and that VA will consider changes to those exhibits to be binding only when they are listed on a properly executed VA Form 26-1844, Request for Acceptance of Changes in Approved Drawings and Specifications; and that I will be proceeding at my own risk in changing or deviating from those exhibits without advance VA approval.
3. A fully executed VA Form 26-421, Equal Employment Opportunity Certification, and VA Form 8791, VA Affirmative Marketing Certification, is either attached or was previously submitted to VA.
4. Names of all persons who have a controlling or proprietary interest in this company or are principal shareholders, officers or directors. This company agrees to keep this list updated with VA:

Name (*Type or print*) _____ Title _____

Signature _____ Date _____



EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION

The undersigned understands and agrees that it is the “applicant” within the meaning of 38 CFR 36.4391.

To induce the Department Of Veterans Affairs (VA) to act on any request submitted by or on behalf of the undersigned for establishment by VA of reasonable value(s) relating to proposed construction, the undersigned hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work or modification thereof, as defined in the rules and regulations of the Secretary of Labor relating to the land or housing included in its request to VA, the equal opportunity clause contained in 38 CFR 36.4392 and printed on the reverse of this form.

The undersigned further agrees that it will be bound by the equal opportunity clause in any federally assisted construction work which it performs itself other than through the permanent work force directly employed by an agency of Government.

The undersigned agrees that it will cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations and relevant orders of the Secretary, that it will furnish the administering agency and that it will otherwise assist the administering agency in the discharge of the agency’s primary responsibility for securing compliance. The undersigned further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to part II, subpart D of Executive Order 11246 and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon the contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to part II, subpart D of Executive Order 11246.

In addition, the undersigned agrees that if it fails or refuses to comply with these undertakings such failure or refusal shall be a proper basis for cancellation by VA of any outstanding master certificates of reasonable value or individual certificates of reasonable value relating to proposed construction, except in respect to cases in which an eligible veteran has contracted to purchase a property included on such certificates, and for the rejection of future requests submitted by the undersigned or on his or her behalf for appraisal services, until satisfactory assurance of future compliance has been received from the undersigned, and for referral of the case to the Department of Justice for appropriate legal proceedings.

NAME OF FIRM

ADDRESS OF FIRM

SIGNATURE

TITLE

DATE

EQUAL OPPORTUNITY CLAUSE

(Extract of 38 CFR 36,4392)

“During the performance of this contract, the contractor agrees as follows:

“(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

“(2) The contractor will, in all solicitations and advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

“(3) The contractor will send to each labor union or representative of workers with which he or she has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers’ representative of the contractor’s commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

“(4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.

“(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

“(6) In the event of the contract’s noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations or orders, this contract may be canceled terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.

“(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965,, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the agency, the contractor may request the United States to enter into such litigation to protect the interest of the United States.”

VA AFFIRMATIVE MARKETING CERTIFICATION

To induce the Department of Veterans Affairs to act on any request submitted by or on behalf of the undersigned applicant for a master certificate of reasonable value on proposed or existing construction or for appraisals of individual existing housing, not previously occupied, the undersigned hereby agrees:

1. That neither the applicant nor anyone authorized to act for it will decline to show or sell any property included in such request to a prospective veteran purchaser because of his or her race, color, religion, sex or national origin;
2. To apprise minority and female veteran homebuyers of the availability of the housing offered by the applicant in conforming all advertising to the VA Advertising Guidelines for Fair Housing;
3. To maintain a nondiscriminatory hiring policy and provide all marketing staff with written instructions on and training in affirmative marketing techniques;
4. To prominently display the Equal Housing Opportunity poster in each place of business where the housing is offered for sale by the applicant;
5. To incorporate the equal housing opportunity logo, slogan or statement as outlined in the VA Advertising Guidelines for Fair Housing in all advertising, including outdoor signs, radio, television, newspaper and other printed materials;
6. That noncompliance with the foregoing requirements may constitute a basis for the Secretary to refuse to appraise properties with which the applicant is identified. The Secretary may also refuse to appraise where the applicant has been denied participation in HUD programs.



SIGNATURE

DATE

NAME (*Type or Print*)

TITLE

COMPANY

ADDRESS OF COMPANY

SEE REVERSE FOR VA ADVERTISING GUIDELINES FOR FAIR HOUSING

U. S. DEPARTMENT OF VETERANS AFFAIRS

ADVERTISING GUIDELINES FOR FAIR HOUSING

Section 804(c) of Title VII of the Civil Rights Act of 1968, as amended, prohibits advertising housing for sale or rent in a manner that indicates a preference for or against potential homebuyers because of their race, color, religion, sex or national origin.

For persons engaged in or associated with advertising housing for sale or rent, the following guidelines are provided to assist in complying with the VA's affirmative marketing program.

1. All advertising or residential real estate for sale or rent will contain an Equal Housing Opportunity logo, slogan or statement as a means of advising the homeseeking public that the property is available to all persons regardless of race, color, religion, sex, or national origin.

a. Equal Housing Opportunity Logo:



If other logos are used in the advertisement, then the Equal Housing Opportunity logo should be of a size comparable to other logos.

b. Equal Housing Opportunity Slogan:

**EQUAL HOUSING
OPPORTUNITY**

c. Equal Housing Opportunity Statement: We are pledged to the letter and the spirit of the United States policy for the achievement of equal housing opportunity throughout the Nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex or national origin.

2. If human models are used in display advertising campaigns, the models will be clearly definable as reasonably representing all potential homebuyers in the metropolitan area. Models, if used, will indicate to the general public that the housing is open to all without regard to race, color, religion, sex, or national origin.

3. It should be noted that selective use of these guidelines could be considered an effort to circumvent fair housing advertising, and thereby in noncompliance with Federal regulations. Selective use is defined as using the guidelines or the Equal Housing Opportunity logo or slogan only:

a. when advertising a particular housing development, and not another development with housing units also available for sale;
or

b. in advertising media that reaches a limited or particular section of the community to the exclusion of other geographic sections within the same community.

4. In respect to classified newspaper advertising, it is not necessary to insert the logo, slogan or statement in each classified ad if the beginning of the real estate advertising section there appears a notice reading as follows:

“All real estate advertised in this newspaper is subject to the Federal Fair Housing Act of 1968, as amended, which makes it illegal to advertise ‘any preference, limitation, or discrimination based on race, color, religion, sex, or national origin, or an intention to make any such preference, limitation, or discrimination.’ This newspaper will not knowingly accept any advertising for real estate which is in violation of the law. Our readers are hereby informed that all dwellings advertised in this newspaper are available on an equal opportunity basis.”